

# EXHIBIT

59

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By Telecopier and First Class Mail  
May 28, 2004

Mr. R. Richard Newcomb  
Office of Foreign Assets Control  
U.S. Department of Treasury  
ATTN: Licensing Division  
1500 Pennsylvania Avenue, N.W. (Annex)  
Washington, D.C. 20220

Re: Al Haramain Islamic Foundation, Inc.,  
Case No. SDG # 305 / FAC No. SDG-222819 (License Request Pending)

Dear Mr. Newcomb:

I am writing to supplement the May 14, 2004 response submitted on behalf of Al Haramain Islamic Foundation, Inc. ("AHIF"), regarding OFAC's pending consideration of the designation of AHIF as a Specially Designated Global Terrorist ("SDGT"), pursuant to Executive Order 13224 and the International Emergency Economic Powers Act, 50 U.S.C. § 1701 *et seq.*

**I. Pending Procedural Matters.**

As you are aware, there are several procedural matters which remain unresolved. On May 27, 2004, we inquired as to the status of the request made on April 30, 2004 by the firm of Gessler, Hughes, Socol, Piers, Resnick & Dym for a license to provide representation in conjunction with Bernabei & Katz, PLLC. OFAC has not yet responded to these requests. We also requested that OFAC supplement its administrative record to provide us with all information and documents relied upon by OFAC.

We are also writing to confirm that undersigned counsel, and the Gessler Hughes firm, can continue to represent Perouz Sedaghaty and Soliman H.S. Al-Buthi in any civil or criminal proceeding, and that accepting payment for those services is not at issue in this OFAC proceeding, or that it does not otherwise concern OFAC. Please notify us immediately if this is not accurate.

**AHIF 001921**

Mr. R. Richard Newcomb  
Office of Foreign Assets Control  
May 28, 2004  
Page 2

On behalf of AHIF, we continue to object to OFAC making any designation decision prior to resolving the outstanding procedural matters. However, in light of OFAC's failure promptly to resolve the procedural matters, AHIF provides the following supplemental response to the proposed designation, but reserves the right to supplement this response at any time.

## **II. Absence of Legal Standards.**

In our May 14, 2004 letter, we previously objected to OFAC's failure to provide any clarification regarding the legal standards it utilizes in making designation decisions. We also object on the ground that the applicable statute, regulations, and Executive Orders do not provide any definition of what constitutes a "SDGT." In the absence of such definition, or any clear standards, the designation process is impermissibly void for vagueness, since entities who are being considered for the designation as a SDGT are unable to challenge that designation. See, e.g., Rogers v. Tennessee, 532 U.S. 451, 457 (2001) ("this Court has often recognized the 'basic principle that a criminal statute must give fair warning of the conduct that it makes a crime'") (quoting Bowie v. City of Columbia, 378 U.S. 347, 350 (1964)); Forbes v. Napolitano, 236 F.3d 1009, 1011 (9th Cir. 2000) ("In addition to defining a core of proscribed behavior to give people constructive notice of the law, a criminal statute must provide standards to prevent arbitrary enforcement."). The U.S. Supreme Court explained in the seminal Kolender decision that:

As generally stated, the void-for-vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.

Kolender v. Lawson, 461 U.S. 352, 357 (1983) (holding statute to be unconstitutionally vague). In essence, a SDGT is whatever OFAC says it is, which constitutes impermissible "arbitrary and discriminatory enforcement." In the absence of clear standards and definitions, it is not possible for AHIF to provide a meaningful response to OFAC's proposed designation as a SDGT.

Moreover, to have any meaningful due process, in addition to clear standards, and access to the full record evidence, AHIF must be provided with an opportunity to counter the charges raised against it, through presenting evidence, and rebutting the government's evidence, at an evidentiary hearing. National Council of Resistance of Iran v. Department of State, 251 F.3d 192, 205 (D.C. Cir. 2001); see generally Mathews v. Eldridge, 424 U.S. 319, 333 (1976) ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'") (quoting Armstrong v. Manzo, 380 U.S. 545, 552 (1965)). Here, AHIF does not know what if any basis there is for the government's proposed designation, as there is nothing in the administrative record which remotely links AHIF to any terrorist activities.

**AHIF 001922**

Mr. R. Richard Newcomb  
Office of Foreign Assets Control  
May 28, 2004  
Page 3

**III. AHIF's Conduct Is Protected Under The First Amendment.**

Although AHIF does not know what conduct it is alleged to have engaged in that could form the basis for designation as a SDGT, AHIF submits that its conduct consists primarily of protected First Amendment activity, *i.e.*, the distribution of publications. AHIF was well known in its local community for maintaining a public reading room at which any individual could come and borrow, keep, or exchange publications, including books and magazines. AHIF also distributed various publications to libraries and individuals across the United States and Canada. AHIF, just like any other public library, made publications readily available to the general public. Indeed, several of these publications, including the Noble Qur'an, were also donated to various public and college libraries in the United States, including the Library of Congress and the U.S. Air Force Academy. See Donation acknowledgment letters (attached and incorporated hereto as Exhibit 1). OFAC cannot base any designation of AHIF on its making available publications that are also in the stacks of major institutional libraries, unless it similarly designates these libraries as terrorist organizations.

For the foregoing reasons and those set forth in the May 14, 2004 letter, we respectfully request that OFAC lift the blocking of AHIF's assets and vacate the pending designation. The absence of clear standards for the designation of entities as a SDGT renders the designation process unconstitutional, as there exists no method by which AHIF can contest the proposed designation.

Sincerely,

  
Lynne Bernabei

Enc.

cc: Cari Stinebower, Esquire  
Mary Rowland, Esquire

**AHIF 001923**



THE LIBRARY OF CONGRESS  
WASHINGTON, D.C. 20540-4142

ORDER DIVISION

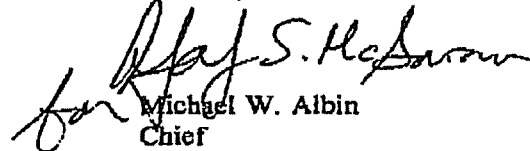
AMEAS - 2  
September 12, 1995  
Reference : AM-SAUDI ARABIA

AL-Haramain Foundation  
P.O. Box 92684  
Riyadh 11663  
Saudi Arabia

Dear Colleagues:

It is my pleasure to acknowledge, with many thanks, receipt of the material mentioned below. We deeply appreciate your kindness in sending this material to the Library of Congress.

Sincerely,

  
Michael W. Albin  
Chief

The material received:

1. Interpretation of the meanings of the Noble Qur'an in the English language / Dr. Muhammad Taqi-ud-Din Al-Hilali & Dr. Muhammad Muhsin Khan.
2. Islam in focus / by Hammudah Abdalati.
3. Shia & Sunni perspective on Islam / by Dr. Ahmad Abdullah Salamah.

AHIF 001924



DEPARTMENT OF THE AIR FORCE

THE ACADEMY LIBRARIES  
UNITED STATES AIR FORCE ACADEMY  
USAF ACADEMY, COLORADO 80840-5701

15 September 1995

HQ USAFA/DFSEL  
2354 Fairchild Drive, Suite 3A10  
USAF Academy CO 80840-6214

The Book Council  
AL-Haramain Foundation  
P. O. Box 92684 Riyadh 11663  
Riyadh, Saudi Arabia

Dear Council Members

Thank you for the copies of Interpretation of the Meanings of the Noble Qur'an in the English Language, Shia & Sunni Perspective on Islam, and Islam in Focus, which you sent for the Library. I am pleased to accept them on behalf of the Superintendent, Lt Gen Paul E. Stein.

The books will be of interest to patrons wishing to obtain an understanding of Islam and Muslim beliefs. We will place a commemorative bookplate in each volume to acknowledge your contribution to future users. We are enclosing the completed acknowledgement form which you requested we return.

Sincerely

A handwritten signature in dark ink, appearing to read "Edward Alderman Scott".

EDWARD ALDERMAN SCOTT, Ph.D.  
Director of Academy Libraries

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AHIF 001925

HAROLD B. LEE LIBRARY  
BRIGHAM YOUNG UNIVERSITY  
PO BOX 26800  
PROVO, UTAH 84602-6800  
(801) 378-2905  
FAX: (801) 378-6708



October 31, 1995

Al-Haramain Foundation  
PO Box 92684, Riyadh 11663  
Riyadh, Saudi Arabia

Subject: Library Donation

We appreciate your donation of three Islamic books to the Harold B. Lee Library. Important libraries the world over began with donations from faithful donors. Today most libraries gratefully accept donations and use them to build their collections because no library can afford to buy all of the new books offered each year. Even the important books that merit being in a library are far too numerous and costly for a single library to acquire them all.

You have shown an interest in BYU's library by your donation and we would like your help in broadening our donor network. The more people who know our needs and who are willing to donate, the better our collection will become. Everyone knows someone who has books and who may be willing to donate them to the library. We are not seeking just any books but selected titles that fit our profiles. While we accept books brought to the library unannounced, we often are asked to look at a collection before it is donated in order to ascertain its suitability for our collection.

We are always interested in rare or significant items currently out of print that our collection may lack. Often donors wish to preserve their books in a library to assure their use long into the future. In some instances the donor may benefit from a tax deduction that provides a greater benefit than selling to a dealer or collector. There are many good reasons to give and we hope you and your friends will continue to give good books to the Harold B. Lee Library.

If you know someone who may have books, letters, or manuscripts to donate please contact me at the Library and I will contact them on your behalf or help you in soliciting the donation. Thanks again for your donation and for any effort you may make referring other donors to the Lee Library.

Sincerely,

A handwritten signature in cursive script that reads "Howard C. Bybee".

Howard C. Bybee  
Gifts Librarian  
(801) 378-6777  
FAX (801) 378-3221  
E-Mail: Howard\_Bybee@BYU.EDU

AHIF 001926

Torreyson Library



THE UNIVERSITY OF  
CENTRAL ARKANSAS

201 Donaghey Avenue  
Conway, Arkansas 72035-0001

October 03, 1995

Eng'r. Soliman H. S. Al-Buthe  
The Book Council  
Al-Haramain Islamic Foundation  
Post Office Box Number 69606  
Riyadh 11557, Saudi Arabia

Dear Eng'r. Soliman H.S. Al-Buthe,

Greetings! It is a pleasure to hear from the Al-Haramain Islamic Foundation again and to know that the miscommunication has been cleared up.

Like you, I suspect the mail system may have been at fault and will ensure this communication reaches you to acknowledge our receipt of Interpretation of the Meanings of the Noble Qur'an, Islam in Focus, and Shia and Sunni Perspective on Islam on this date (October 03, 1995) by personally walking this letter and the forms you enclosed which I have completed thoroughly over to the campus post office and mailing them there myself rather than relying on them to get there safely via the campus mail carriers.

I will personally complete the checking in procedure here in the Acquisitions Department of our Library for the above referenced three Islamic Monograph Books today and deliver them to our Technical Services area for the in-house processing they do there before delivering them to the bookshelves for the use of faculty, staff, and students.

These books will all be a wonderful asset to our religious studies, our philosophy, sociology, and some other disciplines here at the University we service. A special thank you must be said for the Interpretation of the Meanings of the Noble Qur'an in the English Language volume. This is an extremely rare and valuable book in our Library and we feel especially privileged to be gifted with it by your organization.

Respectfully,

*Leetta Perrin Brewer*

Leetta Perrin Brewer  
Library Technical Assistant

cc:file *Oct. 19, '95*

enc

AHIF 001927





JOHNSON C. SMITH UNIVERSITY  
CHARLOTTE, NORTH CAROLINA 28216

James B. Duke Memorial Library

April 2, 1997

The Book Council  
Al-Haramain Islamic Foundation  
P.O. Box 92684  
Riyadh 11663  
Saudi Arabia

Dear Book Council:

This is to acknowledge receipt of your recent gift (A brief Guide to Understanding Islam) to James B. Duke Memorial Library, and to thank you for the gesture.

The gift is, no doubt, an invaluable contribution to the achievement of our objective, which is to acquire and disseminate useful information to the community we serve.

A bookplate listing you as the donor will be placed in item if selected for addition to our collection, by the library bibliographer and/or faculty representative for the subject area.

Thanks again and best wishes.

Sincerely,

Esther O. Ogirri  
Acquisitions Librarian

704-378-1210

AHIF 001928

NORTH PARK  
COLLEGE & SEMINARY



September 19, 1995

Al-Haramain Islamic Foundation  
P.O. Box 92684 Riyadh 11663  
Kingdom of Saudi Arabia

Dear Sirs,

Your gift of the Islamic Monograph Books was apropos as plans are developing on campus to open a center for Middle East Studies. We are certain these resources will assist faculty and students in their studies. We would gratefully accept other new books when published.

Please accept our sincere thanks for this valuable contribution.

Sincerely,

*Dorothy-E. Gross*

Dorothy-Ellen Gross  
Library Director and  
Associate Dean for Academic Support

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AHIF 001929



A unit of The Connecticut State University  
**WESTERN CONNECTICUT STATE UNIVERSITY**

Danbury, Connecticut 06810

November 19, 1995

Soliman Albut'he  
The Book Council  
Al-Haraman Islamic Foundation  
P.O. BOX 92684  
Riyadh 11663  
Saudi Arabia

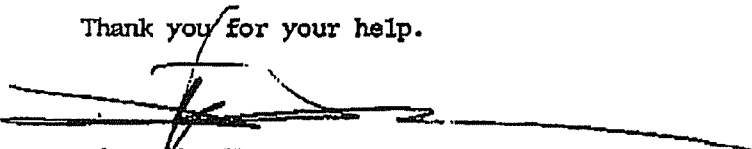
Dear Mr. Albut'he:

Thank you very much sending us books on Islamic.

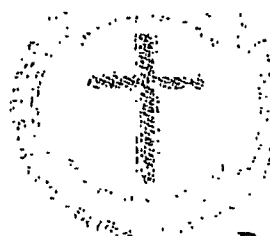
I have been very close worked with our professors who teach Islamic cultural and history at our university and some other universities. Currently, I am working on a project to enhance our collection on Islamic history and culture.

As a librarian eith personal interestes on Islamic history and culture, I would like to recevie regularly catalogs that your Foundation has published and also other materials which will bring our professors and students attention to the subject.

Thank you for your help.

  
Xiao Hua Yang  
Librarian  
Ruth Haas Library  
Western Connecticut State University  
181 White Street  
Danbury, CT 06810  
U.S.A

AHIF 001930



Hutchins Library

# BEREA COLLEGE

Berea, Kentucky 40404

(MM-006-0041)

October 25, 1995

The Book Council  
Al-Haramain Islamic Foundation  
P.O. Box 69606  
Riyadh 11557 Saudi Arabia

Dear Al-Haramain Foundation Members,

On behalf of the users of the Hutchins Library, I want to express our appreciation for your gift of 1 new hardback copy of the The Noble Qur'an and two new paperback books.

In keeping with our policy, the items are being reviewed by members of the library staff and school faculty. If the items are determined a necessary addition to our current collection they will added. If any item is a duplicate or is determined not to be added, it will be distributed to our students and faculty.

The quality of our collection is due in a large part to the many gifts of money and books to the library. Over the years friends of Hutchins Library have strengthened the library with their generous gifts.

Thank you again for your gift.

Sincerely,

Catherine Roberts  
Head of Technical Services

cc: Stacia Berry

f: Gift. Al-Haramain

AHIF 001931

*Pacific States University*  
FOUNDED, NINETEEN HUNDRED AND TWENTY-EIGHT

January 7, 1996

SOLIMAN ALBUTH'HE  
The Book Council  
AL-HARAMAIN ISLAMIC FOUNDATION  
P.O. Box 92684  
Riyadh 11663  
Saudi Arabia

Dear, Soliman Albuth'he

In reply to your letter post mark December 26, 1995,  
we received the books dated December 2, 1995, as follows:

1 hard copy -Interpretation of the meanings of the  
Noble Qur'an in the English Language,  
-Summarized in one Vo. by Dr. Muhammad  
Taqi-ud-Din Al-Hilali, & Dr. Muhammad  
Muhsin Khan.

2 paper back- Islam in Focus, by Hammudah Abdalati  
Shia & Sunni Perspective on Islam, by  
Dr. Ahmad Abdullah Salamah.

Your generosity is sincerely appreciated.

Sincerely,

*Melba C. Virtucio*  
Melba C. Virtucio  
University Librarian



1516 South Western Avenue Los Angeles, California 90006 U.S.A.  
(213) 731-2383 (213) 731-2384 (213) 731-2385 / Fax: (213) 731-7276

AHIF 001932

CITY OF LOS ANGELES  
CALIFORNIA



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MAYOR

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630 WEST FIFTH STREET  
LOS ANGELES, CA 90071  
(213) 228-7515

SUSAN GOLDBERG KENT  
CITY LIBRARIAN

August 31, 1995

The Book Council  
Al-Haramain Foundation  
Riyadh, Saudi Arabia

Gentlemen:

Thank you so much for your recent gift of three books to the Los Angeles Public Library. Please excuse the delay in acknowledgement, but your enclosed reply form was somehow lost during processing of the titles.

You may be assured the materials will be well used. This library has an excellent Islamic collection and is continuing to build it in response to steadily increasing demand from the community. In fact, it is impossible to keep Korans in sufficient quantity to ensure availability on demand. Your assistance is especially appreciated in these times of reduced funding.

Again, thank you for your contributions to the Los Angeles Public Library.

Very truly yours,

*Marilyn C. Wherley*

Marilyn C. Wherley  
Department Manager  
Social Science/Philosophy & Religion

AHIF 001933